

EXHIBIT 11

<p>1 A. Yeah. I was with the 2 Einstein medical students for pediatrics 3 at Flushing Hospital. 4 Q. Were those two both at 5 Flushing Hospital? 6 A. Yes, because there's no 7 pediatric veterans. 8 Q. That makes sense. 9 A. Although they could be 10 pregnant veterans. 11 Q. And you said that all the 12 rest of your clerkships were at the VA? 13 A. In Northport. 14 Q. Where is Northport? 15 A. In Long Island. 16 Q. Long Island? 17 A. Yeah. Yes. 18 Q. And the preceptors were 19 Stony Brook faculty did you say? 20 A. Yes, most of them. 21 Q. And they reported your 22 progress to St. Christopher's? 23 A. Correct. 24 Q. So, St. Christopher's would</p>	<p>Page 134</p> <p>1 I was the first student. 2 Q. Were there also classes at 3 St. Christopher's or that St. 4 Christopher's provided? 5 A. For clinical clerkships? 6 Q. Yes. 7 A. No. I was just under the 8 auspices of the preceptor. But I did 9 attend classes at Stony Brook for various 10 instructional courses, but it wasn't 11 being matriculated, it was just for my 12 own development. 13 Q. Okay. 14 A. So I would drive to Stony 15 Brook campus and the same courses that 16 those students were receiving, I would 17 sit in and also be attending. 18 Q. So going back to your 19 medical school time at St. Matthew's in 20 Belize, in the basic science courses, 21 those are lectures? 22 A. Yes. 23 Q. And did they have exams, 24 exam components?</p>
<p>1 have records of you as a student for 2 those two years -- 3 A. Correct. 4 Q. -- wherever St. 5 Christopher's presently resides? 6 A. Correct. 7 Q. So you would pay tuition to 8 St. Christopher's so you could go out and 9 do your clerkships. Is that how it 10 works? 11 A. I don't understand the 12 correlation you're making. 13 Q. So, when you went to St. 14 Matthew's in Belize, you would pay 15 tuition and attend classes? 16 A. Yes. Yeah. 17 Q. And then after your first 18 two years, you were out doing clerkships? 19 A. That's correct. 20 Q. And so, you would pay 21 tuition to St. Christopher's while you 22 did your clerkships and they would -- 23 A. Well, they were trying to 24 establish a site at the VA. And I think</p>	<p>Page 135</p> <p>Page 137</p> <p>1 A. Yes. 2 Q. And were there also lab 3 courses? 4 A. Yes. 5 Q. And did you request 6 accommodations of double time at St. 7 Matthew's? 8 A. Well, this is kind of -- it 9 was kind of an informal arrangement. If 10 I was taking an anatomy exam, I would 11 sit, take the exam. And if I needed as 12 much time as I wanted to take the test, I 13 think that it was sort of informal to 14 allow me to sit longer with no formal 15 accommodation. Like there was a 16 professor there, a Ph.D. who was like the 17 student services type person. But I do 18 not believe there was any formal 19 arrangements set up for a disability for 20 anyone there. So it was informal. 21 Q. Did you investigate whether 22 there was -- 23 A. I did. And I would meet 24 with the counselor, the individual I'm</p>

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<p>1 taking about.</p> <p>2 Q. Let me finish my question.</p> <p>3 A. Sorry.</p> <p>4 Q. Did you investigate whether</p> <p>5 they had an office for students with</p> <p>6 disabilities that could grant</p> <p>7 accommodations if the student presented</p> <p>8 documentation?</p> <p>9 A. I did.</p> <p>10 Q. And what did you learn?</p> <p>11 A. I learned that I have to go</p> <p>12 and meet with this counselor every week</p> <p>13 and he would help me with my study</p> <p>14 skills.</p> <p>15 Q. And is it your testimony</p> <p>16 that there was no such thing as formal</p> <p>17 accommodations at St. Matthew's?</p> <p>18 A. I didn't see it done. And</p> <p>19 this individual was really all they had</p> <p>20 for that purpose. And I met with him on</p> <p>21 a weekly basis.</p> <p>22 Q. For two years?</p> <p>23 A. No, not so much the first</p> <p>24 semester, but the second semester I did.</p>	<p>1 person at St. Matthew's the ability to</p> <p>2 have extra time on exams?</p> <p>3 A. Yes.</p> <p>4 Q. And was it so informal that</p> <p>5 you could just take extra time whenever</p> <p>6 you needed it?</p> <p>7 A. No. I think the point I'm</p> <p>8 trying to make is that if you went to see</p> <p>9 this individual who was taking the role</p> <p>10 of the student advisor/counselor that he</p> <p>11 knew who the people were that were having</p> <p>12 difficulties and he tried to accommodate</p> <p>13 them.</p> <p>14 Q. Okay.</p> <p>15 A. That's the feeling that, at</p> <p>16 least, I got. I don't know about anybody</p> <p>17 else, but that's -- this is what I</p> <p>18 believe to be so.</p> <p>19 Q. Take a look in the book at</p> <p>20 Exhibit 1, please.</p> <p>21 A. Okay.</p> <p>22 Q. Am I correct that Exhibit</p> <p>23 1 -- first of all, the handwriting is</p> <p>24 your handwriting?</p>
<p>1 Q. And --</p> <p>2 A. I don't think I was in such</p> <p>3 a bad position because I had -- even</p> <p>4 though I got sick at Ross, I still stood</p> <p>5 and I tried to learn something. So I</p> <p>6 kind of was primed for when I went to St.</p> <p>7 Matthew's because I repeated all that</p> <p>8 course work again. So it wasn't until</p> <p>9 the second semester when I started having</p> <p>10 some problems there.</p> <p>11 Q. And what kind of problems</p> <p>12 did you have?</p> <p>13 A. Problems focusing,</p> <p>14 concentrating, getting organized, study</p> <p>15 skills, time management. You know,</p> <p>16 depression, because I was away from home,</p> <p>17 away from family, away from loved ones.</p> <p>18 You know, I think that</p> <p>19 environment is kind of isolative and that</p> <p>20 took its toll on me. You know, being in</p> <p>21 a foreign place took a toll on me. You</p> <p>22 know, a lot of things affect you when</p> <p>23 you're in that kind of situation.</p> <p>24 Q. Did you request from that</p>	<p>1 A. That's correct.</p> <p>2 Q. And this is your request for</p> <p>3 accommodations on Step 2 CK; is that</p> <p>4 right?</p> <p>5 A. Step 1 and Step 2 CK is what</p> <p>6 is written on top here.</p> <p>7 Q. So take a look, the middle</p> <p>8 of that page, it says "please type or</p> <p>9 print." Do you see?</p> <p>10 A. Yes. So I checked Step 2</p> <p>11 CK.</p> <p>12 Q. So it's accommodations are</p> <p>13 requested for the following step</p> <p>14 examinations. And you checked Step 2 CK.</p> <p>15 A. That's correct.</p> <p>16 Q. So this is your application</p> <p>17 for accommodations in Step 2 CK.</p> <p>18 A. Correct.</p> <p>19 Q. And if you look at the third</p> <p>20 page, toward the bottom, it asks about</p> <p>21 college. If you've had -- well, let's</p> <p>22 see.</p> <p>23 Section D, I'm sorry. Let's</p> <p>24 look on the third page about a quarter of</p>

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<p>1 the way down. Section D, accommodation 2 history. Do you see that? 3 A. Yes. Yes. 4 Q. And it says "standardized 5 examinations MCAT." And you checked 6 "no." 7 Am I correct that means you 8 did not have accommodations on the MCAT? 9 A. That's correct. I didn't 10 receive accommodations. 11 Q. And then the next section 12 says "medical school." And you checked 13 "no." Is that correct? 14 A. Formal accommodations? 15 Depends what you want to call 16 accommodation. 17 Q. Well, I'm -- 18 A. Formally, yeah, it would be 19 no, but there were. 20 Q. So what you said to the NBME 21 in the form was you didn't get 22 accommodations in medical school; right? 23 A. It depends what you want to 24 call accommodation. Informal</p>	<p>1 A. That's correct. 2 Q. And you provided the same 3 information there; is that right? 4 A. I don't know what you mean 5 by "the same information." 6 Q. If you look at page 4 under 7 accommodation history, you checked "no" 8 with respect to the MCAT. 9 A. That's correct. 10 Q. You checked "no" with 11 respect to medical school; right? Same 12 as the last one we just looked at. 13 A. Right, because informal and 14 not formal. 15 Q. And you checked "yes" for 16 college and that refers to Old Westbury? 17 A. That's correct. 18 Q. And then the last one, 19 secondary or elementary school, you said 20 the same think about the speech -- 21 A. And that's correct, too. 22 Q. And that's your signature on 23 both of those? 24 A. Correct.</p>
<p>1 accommodation, yes. Formal 2 accommodation, no. 3 Q. That's not what you said on 4 the form; right? The form -- 5 A. The form doesn't say any 6 other type of accommodation. It just 7 says accommodation received, but I didn't 8 include that because it wasn't anything 9 that was formally done or with paperwork 10 that I could submit to them. 11 Q. And then, for where it says 12 college, you checked "yes." Is that a 13 reference to Old Westbury? 14 A. It is. 15 Q. And then there's a reference 16 for secondary or elementary school. You 17 referred to your time when you were taken 18 out of class for speech therapy. 19 A. That's right. 20 Q. And if you look at the next, 21 number 2, Exhibit 2, this is -- am I 22 correct this is your request for 23 accommodations on Step 2 clinical skills, 24 CS; is that right?</p>	<p>1 Q. Now, did you ever submit any 2 other requests for accommodations other 3 than these two forms to the US -- to the 4 NBME? 5 A. During which period of time? 6 Q. Any period. 7 Well, let's put it this way. 8 In the 2005/2006 period, did you submit 9 any other requests for accommodations 10 other than we just looked at on these two 11 exhibits? 12 A. I'm not aware of anything -- 13 I mean, in terms of the paperwork they 14 required for me to fill out? 15 Q. Yes. 16 A. I think this was the only 17 form they had at the time. 18 Q. And do you agree with me 19 that you did not request accommodations 20 on Step 1? 21 A. Yeah. But if you read -- if 22 you read what is written in those files, 23 it makes reference to Step 1. But the 24 actual application for Step 1 was not</p>

Richard Katz, M.D., M.H.A.

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4 PAGE

LINE

CHANGE

5 7223

got a C with exam accommodations.

6 1429

I never applied for accommodations on MCAT

7 14310

this form was not regarded at the time to be all

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encompassing of all accommodations received.

9 14521

Yeah but if you read

10 1482

Registration instead of accommodations

11 1485

Registration instead of accommodations

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The third of four children to Japanese American Nisei parents, Dr. Matayoshi grew up in socially and economically diverse inner city Chicago where he attended and graduated from Kenwood High School. He earned a BA in Biology from the Colorado College and a degree in Nuclear Medical Technology from the Hines V.A. Hospital near Chicago, Illinois.

After spending several years in various professional positions including hospital service as an ARRT registered NMT, Dr. Matayoshi attended graduate school at the Albany Medical College of Union University in Albany, New York where he received both his MS and PhD in Physiology and Cell Biology. His thesis research focused on fibronectin and its affects on platelet reactivity in both laboratory and large animal models.

Dr. Matayoshi has 25 plus years of diverse teaching, academic and student support experience, of which eight years were in international venues. He has worked with all levels of students from sixth grade through continuing adult and medical education and his teaching and administrative experience have been at community colleges, four-year colleges, professional and graduate schools where he has managed and taught in institutions that use a variety of educational approaches from large lecture hall settings, to small groups and workshops, to individual mentoring relationships, incorporating both standard lecture, problem-based, flipped classroom and on-line methodology.

Besides his expertise in medical science, Dr. Matayoshi is a trained cultural diversity facilitator, public speaking coach and educational consultant.

Currently, Dr. Matayoshi directs the Biomedical Sciences Graduate Program on the Georgia Campus and is involved in both the DO and Graduate Programs as a Course Director, lecturer, and mentor. He has also initiated a Human Performance Laboratory to drive student and faculty research on the Georgia Campus, serves on several campus, faculty and institutional committees, and is a campus liaison to the local community through his work with Gwinnett County Public Schools and the Gwinnett County leadership community. He has a wife and two sons and has side interests in horticulture and ichthyology.

EDUCATION

Education

PhD, Physiology and Cell Biology, The Albany Medical College of Union University, Albany, NY

MS, Physiology and Cell Biology, The Albany Medical College of Union University, Albany, NY

NMT, School of Nuclear Medicine Technology, Hines VA Hospital, Hines, IL

BA, Biology, The Colorado College, Colorado Springs, CO

- Brian M. Matayoshi, Ph. D. is professor of the Department of Bio-Medical Science PCOM-Georgia is Associate Director for Graduate Program in Biomedical Science/Professor of Neuroscience, Physiology, and Pharmacology. Dr. Matayoshi was Katz's professor at St. Mathew's School of Medicine. He was involved with student services at St. Matthews. Dr. Matayoshi's bio is provided as (Exhibit 11). He has over 25 years of diverse teaching, academic and student support experience. He is a trained educational consultant. Dr. Matayoshi met with Katz regularly, he provided study skills instruction, and arranged additional testing time to take his basic science exams. Katz states in Errata correction deposition page 143 line 10 "this form (Request for Test Accommodation) was not regarded at the time to be all encompassing of all accommodations (formal and informal) ever received."